

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RONALD J. DORAN and JOAN
C. DORAN,

Plaintiffs,

v.

In Admiralty

CAMMIE KENDRICK, Official
Number 1050936, its engines,
tackle, equipment, permits, and
appurtenances, in rem; and
WALTER N. LEWIS III and
NICOLE M. LEWIS, in personam,
Defendants.

Civil Cause No. 04 10168 DPW

APPLICATION FOR CLERK'S ENTRY OF IN REM DEFAULT

Plaintiffs Ronald J. Doran and Joan C. Doran apply pursuant to Fed. R. Civ. P. 55(a) for entry of default against (1) in rem defendant CAMMIE KENDRICK, Official Number 1050936, its engines, tackle, equipment, permits, and appurtenances ("the Vessel") and (2) all persons who have not appeared in this action.

1. As shown by Plaintiffs' Ex Parte Motions for Summary Judgment and Sale of Vessel at ¶ 6, the Order Directing the Clerk to Issue a Warrant of Arrest, the In Rem Warrant of Arrest, and the Order Appointing Substitute Custodians were served March 12, 2004 on defendants Mr. and Mrs. Lewis, the owners of the Vessel.

2. As shown by the attached copy of The Boston Globe, Apr. 6, 2004, at Classified B7, a Notice of Vessel Arrest was published in accordance with the Court's April 2, 2004 electronic Order, requiring "any person asserting an

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interest in or right against the Vessel to file a verified statement of right or interest on or before April 20, 2004."

3. As shown by Plaintiffs' Ex Parte Motions for Summary Judgment and Sale of Vessel at ¶ 8, actual notice of this civil action has been given to the only known lien claimant, the master, and person in charge of the Vessel in satisfaction of 46 U.S.C. § 31325(d). Further, undersigned counsel mailed a copy of the Notice of Vessel Arrest as published in The Boston Globe to those three people on April 8, 2004 as shown by the attached copy of stamped envelopes.

Therefore, because proper notice has been provided but no other parties have appeared to claim an interest in or right against the Vessel or otherwise, the default of in rem defendant Vessel and all other parties should be entered.

RESPECTFULLY SUBMITTED this 29th day of April 2004.

DAVID J. FARRELL, JR.
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